

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GILEAD SCIENCES, INC.

Plaintiff,

v.

TEVA PHARMACEUTICALS USA, INC. and
TEVA PHARMACEUTICAL INDUSTRIES
LIMITED,

Defendants.

Case No. 10-CV-1796 (RJS) (AJP)

**CONFIDENTIAL –
FILED UNDER PROTECTIVE
ORDER**

**DECLARATION OF JAMES GALBRAITH
IN SUPPORT OF TEVA'S OPPOSITION TO
GILEAD'S MOTION FOR LEAVE TO FILE AMENDED COMPLAINT**

I, James Galbraith, hereby declare as follows:

1. I am an attorney-at-law of the State of New York and a partner of Kenyon & Kenyon LLP, counsel for defendants Teva Pharmaceuticals USA, Inc. ("Teva").

2. Annexed hereto are true and correct copies (some of which are excerpted according to Individual Rules of Practice 2.H) of the following documents:

Exhibit 1 - UNITED STATES CONGRESSIONAL BUDGET OFFICE: HOW INCREASED COMPETITION FROM GENERIC DRUGS HAS AFFECTED PRICES AND RETURNS IN THE PHARMACEUTICAL INDUSTRY (July 1998) (excerpted).

Exhibit 2 - Email from Roberts to Galbraith, March 24, 2011.

Exhibit 3 - Order and Stipulation, *Forest Labs., Inc. v. Ivax Pharma., Inc.*, 438 F. Supp. 2d 479 (D. Del. 2006) (No. CIV. A. 03-891-JJF) (excerpted).

Exhibit 4 - Brief in Support of Motion to Dismiss Amended Complaint Against Cipla For Lack of Subject Matter Jurisdiction, *Forest Labs., Inc. v. Ivax Pharma., Inc.*, 438 F. Supp. 2d 479 (D. Del. 2006) (No. CIV. A. 03-891-JJF) (excerpted).

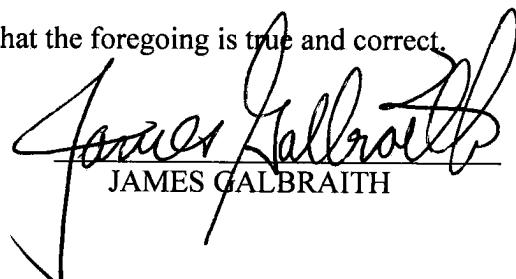
Exhibit 5 - Order, *Forest Labs., Inc. v. Ivax Pharma., Inc.*, 438 F. Supp. 2d 479 (D. Del. 2006) (No. CIV. A. 03-891-JJF).

Exhibit 6 - Defendants' Opposition to Plaintiffs' Proposed Form of Judgment, *Forest Labs., Inc. v. Ivax Pharma., Inc.*, 438 F. Supp. 2d 479 (D. Del. 2006) (No. CIV. A. 03-891-JJF).

Exhibit 7 - Judgment Order, *Forest Labs., Inc. v. Ivax Pharma., Inc.*, 438 F. Supp. 2d 479 (D. Del. 2006) (No. CIV. A. 03-891-JJF).

Exhibit 8 - Corrected Brief of Defendants-Appellants, *Forest Labs., Inc. v. Ivax Pharms., Inc.*, 501 F.3d 1263 (Fed. Cir. 2007) (No. 2007-1059) (excerpted).

I declare under penalty of perjury that the foregoing is true and correct.



JAMES GALBRAITH

DATED: April 25, 2011